

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

87TH LEGISLATIVE DAY

WEDNESDAY, APRIL 17, 2002

12:00 O'CLOCK NOON

No. 87  
[Apr. 17, 2002]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by The Right Reverend William D. Persell, Bishop of the  
 Episcopal Diocese of Chicago, Chicago, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

At the hour of 12:19 o'clock p.m., Senator Dudycz presiding.

Senator W. Jones moved that reading and approval of the Journal of Tuesday, April 16, 2002 be postponed pending arrival of the printed Journal.

The motion prevailed.

#### REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

The 1997 - 2001 Annual Reports submitted by the Joint Committee on Administrative Rules.

The 2001 Report on Illinois Child Care submitted by the Department of Human Services.

The Annual Report Summary submitted by the Department of Central Management Services pursuant to the Illinois Procurement Code, Section 25-55.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

#### REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education to which was referred House Bills numbered 3729, 3776, 4351, 5663, 5700 and 5734 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred House Bill No. 1440 reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred House Bills numbered 3768 and 5720 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred House Bills numbered 4194, 4936, 4947, 5004, 5648 and 5732 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred House Bills numbered 4179, 4228 and 4926 reported

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the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred House Bills numbered 3629, 3645, 3652, 3712, 4229 and 4911 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred House Bills numbered 3210 and 5610 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

#### LEGISLATIVE MEASURES FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 1386

Senate Amendment No. 2 to House Bill 4179

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4101, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4837, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4978, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5168, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5169, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5240, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5631, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5657, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6164, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6168, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on

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Rules.

House Bill No. 6169, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6170, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6172, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6173, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6174, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6175, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6178, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6179, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6181, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6182, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6184, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6185, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6186, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6188, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6189, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on

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Rules.

House Bill No. 6190, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6191, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6195, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6196, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6201, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6202, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6203, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6206, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6207, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6212, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6213, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6214, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4879, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cullerton, House Bill No. 173 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

[Apr. 17, 2002]

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 173 on page 1, line 22, after "funds", by inserting ", except those received from public entities,"; and on page 1, line 26, after "when", by inserting "only".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, House Bill No. 1215 as amended, having been read a second time on May 15, 2001, referred to the Committee on Rules pursuant to Senate Rule 3-9b on July 1, 2001 and placed on the order of second reading on April 16, 2002 was again taken up and read by title a second time.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 1386 was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 2671 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, House Bill No. 3363 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, House Bill No. 3710 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, House Bill No. 3734 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, House Bill No. 3771 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Myers, House Bill No. 3773 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, House Bill No. 3812 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, House Bill No. 4170 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, House Bill No. 4988 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, House Bill No. 4989 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, House Bill No. 5577 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

[Apr. 17, 2002]

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5577 on page 3 by replacing lines 5 through 10 with the following:

"Except that the corporate authorities city--council of any municipality A) with a population of 12,500 or more but less than 25,000 that i) is located in a county with a population of 250,000 or more but less than 260,000 and ii) does not levy a property tax; or B) with a population between 40,000 and 75,000 shall not levy a property tax for purposes of this Division 65."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, House Bill No. 5607 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 5709 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, House Bill No. 5785 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, House Bill No. 6034 was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:49 o'clock p.m., Senator Donahue presiding.

On motion of Senator Dudycz, House Bill No. 4130 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, House Bill No. 4257 was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:54 o'clock p.m., Senator Dudycz presiding.

## READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Parker, House Bill No. 1495 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 48; Nays 9.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson

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Hendon  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Maitland  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Malley  
 Parker  
 Peterson  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Walsh, T.  
 Watson  
 Weaver  
 Mr. President

The following voted in the negative:

Demuzio  
 Jacobs  
 Mahar  
 Molaro  
 O'Daniel  
 Viverito  
 Walsh, L.  
 Welch  
 Woolard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator Karpel announced that there will be a Republican caucus at 8:00 o'clock a.m., Thursday, April 18, 2002.

#### COMMITTEE MEETING ANNOUNCEMENTS

[Apr. 17, 2002]

Senator Lauzen, Chairperson of the Committee on Commerce and Industry announced that the Commerce and Industry Committee will meet Thursday, April 18, 2002 in Room 212, Capitol Building, at 10:00 o'clock a.m., instead of 9:00 o'clock a.m.

Senator O'Malley, Chairperson of the Committee on Financial Institutions announced that the Financial Institutions Committee will meet Thursday, April 18, 2002 in Room 400, Capitol Building, at 10:00 o'clock a.m., instead of 9:00 o'clock a.m.

Senator Burzynski, Chairperson of the Committee on Licensed Activities announced that the Licensed Activities Committee will meet Thursday, April 18, 2002 in Room A-1, Stratton Building, at 10:00 o'clock a.m., instead of 9:00 o'clock a.m.

#### REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its April 17, 2002 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: House Bills numbered 4889 and 4890.

Appropriations: House Bills numbered 4581, 5351, 5383, 6164, 6168, 6169, 6170, 6172, 6173, 6174, 6175, 6178, 6179, 6181, 6182, 6184, 6185, 6186, 6188, 6189, 6190, 6191, 6195, 6196, 6201, 6202, 6203, 6206, 6207, 6212, 6213 and 6214.

Commerce and Industry: House Bills numbered 5145 and 5996.

Education: House Bills numbered 1720, 3672, 3673, 3744, 3774, 3938, 4037, 4466, 4912, 5343, 5514 and 6038.

Environment and Energy: House Bills numbered 4667, 5557, 5851 and 5961.

Executive: House Bills numbered 207, 3184, 3212, 3653, 4023, 4066, 4078, 4103, 4159, 4411, 4444, 4462, 4580, 4680, 4719, 4938, 4956, 5236, 5334, 5450, 5530, 5593, 5627, 5686, 5823 and 5921.

Financial Institutions: House Bills numbered 4055, 4106, 4157, 4357 and 4409.

Insurance and Pensions: House Bills numbered 48, 2370, 4407, 4725, 5168, 5169, 5307, 5596, 5608 and 5842.

Judiciary: House Bills numbered 1961, 4014, 4129, 4208, 4245, 4353, 4354, 4473, 4720, 5002, 5076, 5625, 5639, 5657, 5681, 5794, 5860, 5874, 5934 and 5941.

Licensed Activities: House Bills numbered 4118, 4255, 4696, 4879, 4916, 5278, 5281 and 5906.

Local Government: House Bills numbered 1081, 3697, 4188, 4339, 4795, 5368, 5375, 5647 and 5654.

Public Health and Welfare: House Bills numbered 3662, 4465, 5140, 5325, 5567, 5844, 5870, 5965, 6001 and 6002.

Revenue: House Bills numbered 1975, 4082 and 5631.

State Government Operations: House Bill No. 4116.

Transportation: House Bills numbered 3713, 3794, 4344, 4472, 4933, 4937, 4974, 5222 and 5240.

#### PRESENTATION OF RESOLUTION

Senator del Valle offered the following Senate Resolution, which was referred to the Committee on Rules:

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## SENATE RESOLUTION NO. 399

WHEREAS, In an effort to address the State's economic difficulties, Governor George H. Ryan has proposed that the funding for 22 categorical grant programs, including funding for transitional bilingual education, be distributed through the foundation level of support figure rather than categorically; and

WHEREAS, Enrollment in transitional bilingual education programs has increased 5% from the 1996-1997 school year to the 2000-2001 school year and now represents over 140,500 students statewide; and

WHEREAS, The State Board of Education's Division of Research's December 2000 report, "Transitional Bilingual Education and Transitional Program of Instruction Evaluation Report", found that in fiscal year 2000, 13.6% of limited English proficient students transitioned into mainstream classrooms, up substantially from 11.5% in fiscal year 1999 and 9.7% in fiscal year 1998, thereby demonstrating that these students are increasingly being transferred into mainstream classrooms, which is a primary goal of transitional bilingual education programs; and

WHEREAS, A follow-up study conducted on a sample of students transitioned to mainstream education during fiscal year 1997 indicated that their mainstream performance is generally favorable, with more test scores meeting or exceeding standards, thereby demonstrating the success of transitional bilingual education programs; and

WHEREAS, The State's oversight obligations include, among other things, ensuring the following:

(1) that funds are being used to hire bilingual education teachers;

(2) that these teachers are properly certified;

(3) that an adequate number of staff are hired;

(4) that expenses are necessary and appropriate;

(5) that entrance into a transitional bilingual education program is a result of the application of uniform criteria across the school district;

(6) that exit from the program is contingent upon assessment by a normed instrument; and

(7) that through on-site inspections, the program is being conducted in a physical space that is conducive to a learning environment; and

WHEREAS, One of the primary methods the State uses to enforce compliance with State law is to withhold funds until questionable school districts come into compliance; and

WHEREAS, If schools receive transitional bilingual education funds regardless of their compliance with the State's bilingual education laws, the State will be less able to ensure compliance; and

WHEREAS, Numerous groups have publicly expressed opposition to the Governor's plan with regard to bilingual education, including the Mexican American Legal Defense and Education Fund, the Illinois Advisory Council on Bilingual Education, and the Illinois Association for Multilingual and Multicultural Education; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Governor George H. Ryan to reconsider his proposal to consolidate bilingual education funding; and be it further

RESOLVED, That we urge the Governor not to take further action with respect to his proposal; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Governor.

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READING BILLS FROM THE HOUSE OF REPRESENTATIVES  
A FIRST TIME

House Bill No. 5606, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5685, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Bomke, Chairperson of the Committee on State Government Operations announced that the State Government Operations Committee will meet today in Room A-1, Stratton Building, immediately upon adjournment.

Senator Peterson, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 400, Capitol Building, immediately upon adjournment.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 1553  
A bill for AN ACT concerning commemorative dates.  
SENATE BILL NO 1634  
A bill for AN ACT concerning schools.  
SENATE BILL NO 1638  
A bill for AN ACT in relation to drug courts.  
SENATE BILL NO 1707  
A bill for AN ACT relating to education.  
SENATE BILL NO 1717  
A bill for AN ACT concerning immunizations.  
SENATE BILL NO 1735  
A bill for AN ACT concerning park districts.  
SENATE BILL NO 1752  
A bill for AN ACT in relation to vehicles.  
SENATE BILL NO 1794  
A bill for AN ACT concerning health facilities.  
SENATE BILL NO 2004  
A bill for AN ACT concerning health facilities.  
SENATE BILL NO 2016  
A bill for AN ACT in relation to public employee compensation.  
SENATE BILL NO 2135  
A bill for AN ACT concerning the State Library.  
SENATE BILL NO 2195  
A bill for AN ACT in relation to criminal law.  
SENATE BILL NO 2206  
A bill for AN ACT concerning the Department of Professional Regulation.

Passed the House, April 17, 2002.

[Apr. 17, 2002]

ANTHONY D. ROSSI, Clerk of the House

At the hour of 1:28 o'clock p.m., on motion of Senator Geo-Karis, the Senate stood adjourned until Thursday, April 18, 2002 at 11:00 o'clock a.m.

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